

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

| | | |
|---|---|---------------------------|
| RAYMOND SCOTT GAINES, #929195, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 3:03-CV-2612-L |
| |) | |
| DOUGLAS DRETKE, Director, Texas |) | |
| Department of Criminal Justice, Correctional |) | |
| Institutions Division, |) | |
| Respondent. |) | |

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of Title 28, United States Code, Section 636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions and Recommendation of the United States Magistrate Judge follow:

FINDINGS AND CONCLUSIONS

Petitioner filed this petition pursuant to 28 U.S.C. § 2254. He argues that Respondent has wrongfully denied him work-time and good-time credits. Petitioner seeks release from incarceration.

The Court contacted the Texas Department of Criminal Justice, Correctional Institutions Division ("TDCJ-CID") to determine whether Petitioner is still incarcerated. The TDCJ-CID informed the Court that Petitioner was released on October 11, 2004.¹

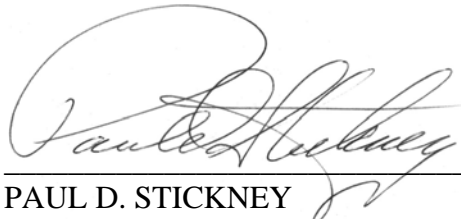
¹Since his release, Petitioner has not filed a change of address with the Court.

The Court finds that Petitioner has received the relief that he seeks in this petition. The petition should therefore be dismissed as moot.

RECOMMENDATION

For the foregoing reasons, the Court recommends that the petition be dismissed as moot.

Signed this 13th day of October, 2005.

A handwritten signature in cursive script, reading "Paul D. Stickney", is written over a horizontal line.

PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150, (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).